

Notice of Allowability

Application No.

09/323,206

Examiner

James W Myhre

Applicant(s)

BANDY ET AL.

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After-Final Amendment filed on September 2, 2004.
2. ☒ The allowed claim(s) is/are 92-99, 101-103, 106-117 and 158-160.
3. ☒ The drawings filed on 01 June 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

1. The After-Final Amendment filed on September 2, 2004 under 37 CFR 1.116 is sufficient to overcome the Walter et al (5,856,788) and Werb (6,483,427) references by canceling all rejected claims (Claims 104 and 118-157). The amendments to the specification and claims have been entered. The currently pending claims are Claims 92-99, 101-103, 106-117, and 158-160. A Terminal Disclaimer was filed on May 16, 2005 to overcome a possible double patenting rejection of the pending claims over U.S. Patent 6,002,344.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Sokohl on May 16, 2005.

The application has been amended as follows:

In Claims 93, 98, and 99, insert the word "system" after the word "inventory" in line 1.

In Claims 116 and 117, insert the phrase "radio frequency identification" prior to the first occurrence of the word "tag" in line 1.

In Claims 158 and 159, insert the phrase "electronic inventory" prior to the word "system" in line 1.

Allowable Subject Matter

3. Claims 92-99, 101-103, 106-117, and 158-160 are allowed.

4. The following is an examiner's statement of reasons for allowance:

While prior art was found which disclosed systems and methods using electronic tags to track and locate items such as luggage (Kaplan et al, US 3, 689,885)(Wade, William, Electronic News) and prior art was also found which disclosed procedures for conflict resolution between multiple tags using random time differentiation to respond to a polling signal (Reis et al, EP 0,467,036)(Walter et al, 5,856,788)(Werb, 6,483,427), prior art was not located in which multiple tags were polled within a specified location to identify the items and which also handled contention between the identity signals from one or more tags within the location by using a secondary identification number stored in each tag as in independent Claims 92, 101, and 106-109, . Therefore, the Examiner considers the combination of polling a plurality of electronic tags and resolving contention between the tags by the tags responding with a secondary identification code as the non-obvious novelty of the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

5. Applicant's arguments with respect to claims 104 and 118-157 have been considered but are moot in view of the cancellation of these claims by the above amendment.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached Monday through Thursday from 5:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (571) 272-6724. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

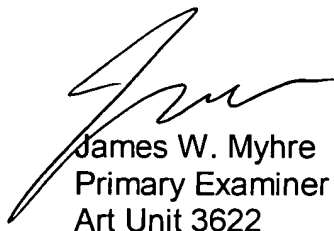
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.



JWM

May 17, 2005



James W. Myhre
Primary Examiner
Art Unit 3622